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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,420	09/03/1999	BARRY W. FIELD	062891.0368	6854

7590 07/27/2005

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DALLAS, TX 752012980

EXAMINER
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BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/390,420

Applicant(s)

FIELD ET AL

Examiner

Steven Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. Claims 1 – 2, 4 – 12, 14 – 18, 20 – 22, and 24 - 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,018,525 to Sucharczuk in view of Applicants Admitted Prior Art (AAPA) and either one of: U.S. patent 6,272,128 to Pierson Jr, or U.S. patent 6,714,543 to Brueckheimer et al.

With regard to claim 1, Sucharczuk teaches receiving traffic streams (at least channels 1 through 24 in figure 4; see also col 3, lines 9+ where extended frame format of these traffic streams is discussed), wherein A and B signaling bits (mentioned in col 3 lines 13+) “convert the voice band channel into an ATM, octets from the voice band channel are mapped into ATM cell octets. After 47 octets have been filled in a cell, a new cell is must be created.” (col 3, lines 50+) which corresponds to segmenting the first components of the traffic streams into successive cells; and also distributing the second (signaling) components of the traffic streams between a defined set of the cells for in band transmission of these second components in a payload of each of the cells, as is taught in col 3 line 37: “This means that the A and B bits remain embedded within the user information transported by the ATM cells” and in line 56 of Column 3: “A bits occur in the 6<sup>th</sup> octet, the 18<sup>th</sup> octet, the 39<sup>th</sup> octet, and the 42<sup>nd</sup> octet in the first cell. The next A bit will occur 12 octets later – in the 7<sup>th</sup> octet of the next cell payload.”

Sucharczuk does not explicitly teach the signaling elements (“CAS”, see col 2 line 50) are of a “reduced rate” (clam 1, line 4). However, AAPA teaches that “The CAS bits indicate the on or off hook status of a telephony line in connection with a DS-0 and

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are provided at a reduced rate in comparison to the DS-0 in accordance with telephony standards. (Page 3, lines 10+ of the specification). AAPA also teaches on page 2, last line to page 3, lines 1+ that "Telephony traffic is carried in DS-0 channels that include an 8 bit voice sample transported through the network at regular 125 microsecond intervals. In the case of structured AAL1, a number of such DS-0 bytes are grouped together in the payload of an ATM cell then carried through an ATM network in the ATM cell."

Sucharczuk/AAPA do not, however, teach positioning the second components at the beginning of the payload of each cell.

Pierson Jr. teaches the well known fact that data associated with signaling in an ATM system, such as the flow control parameter GFC, VPI and VCI address information, and cell loss priority CLP is carried at the front of an ATM cell, "at the beginning of the payload of each cell". See figure 4.

Brueckheimer et al teaches carrying control information, in an ATM cell, at the start of each payload. Brueckheimer et al also teach mapping frames of data into minicells. See col 4 lines 50+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have associated the CAS elements of Sucharczuk with having a reduced rate in light of AAPA, and further obvious to have positioned the second components of Sucharczuk/AAPA at the beginning of the payload of each cell, in light of the teachings of either Pierson Jr. or Brueckheimer et al, in order to provide a simplified design

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wherein the signaling information may be more easily located by the ATM system during the processing of the cells.

With regard to the remaining claims, see paper number 15 for their discussion.

2. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,018,525 to Sucharczuk in view of Applicants Admitted Prior Art (AAPA) and either one of U.S. patent 6,272,128 to Pierson Jr or U.S. patent 6,714,543 to Brueckheimer et al as applied to claim 1 above, and further in view of U.S. patent 6,243,382 to O'Neil et al.

Sucharczuk/AAPA/Pierson Jr or Brueckheimer et al teach the invention as described above, but do not teach storing a value for the reduced rate second components for each traffic stream in a memory location before insertion. This is taught in O'Neil. See column 18 lines 53+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have stored the second components of Sucharczuk/AAPA/Person Jr or Brueckheimer et al in memory before insertion, in light of the teachings of O'Neil, in order to allow the system to perform the assembly operation.

### **Remarks**

3. Applicants remarks have been considered, but they are not persuasive. The examiner notes that Pierson Jr. is cited merely for the fact that it is well known to carry signaling data at the front of a packet. The examiner believes that one of ordinary skill in the art would find it obvious to carry the signaling data at the front of the payload in view of this fact, which is well known in the art, and is exemplified by Pierson

Jr., and Brueckheimer et al.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or, the response may be faxed to: (703) 872-9306.

For formal communications intended for entry, or for informal or draft communications, please label "PROPOSED" OR "DRAFT".

Any inquiry concerning this communication should be directed to Examiner Steven Blount, whose telephone number is (571) 272 – 3071.


Examiner Blount may normally be reached Monday through Friday between the hours of 9:00 and 5:30. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Chau Nguyen, may be

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reached at 571 – 272 – 1980.

  
Ajit Patel  
Primary Examiner

SB  
  
1/24/04